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MICROSOFT CORPORATION C/O MERCHANT & GOULD, L.L.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER PILLAI, NAMITHA	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/827,993

**Applicant(s)**

FERNANDEZ ET AL.

**Examiner**

Namitha Pillai

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) on 8/4/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith. The Examiner further acknowledges Applicant's amendments to claims 1, 8, 17, 21 and 30 to better specify the present invention. However all claims are rejected as being previously disclosed over prior arts.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 17-20 and 30-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 668, 354 B1 (Chen et al.), herein referred to as Chen.

Referring to claim 1, Chen discloses a computer system configured for providing themes for graphical components, in a graphical operating systems environment such as windows, which includes an operating system that has the ability to display windows, the computer system having memory (column 1, lines 60-67). Chen also discloses a

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selecting module receiving a user request for a selected theme having an associated non-binary theme file with theme properties accessible by one or more processes (column 1, lines 36-39 and column 8, lines 45-50). Chen discloses that these properties are capable of being applied to one application in the graphical operating system, wherein Chen discloses that this theme properties are applicable to the web browser applications (column 1, lines 7-30), wherein Chen discloses the purpose of the invention wherein theme file properties are implement for applications that require various types of layout. Chen discloses a converting module converting the associated non-binary theme file into a binary theme file to facilitate retrieval of theme properties (column 3, lines 25-41). Chen also discloses a loading module loading the binary theme file into the memory so that themes can be applied to the graphical components (column 8, lines 45-55).

Referring to claim 2, Chen discloses a plurality of processes, each process accessing the binary theme file (column 8, lines 45-48).

Referring to claim 3, Chen discloses an update handle module receiving a theme handle request from a graphical component and distributing a theme handle if the graphical component is found in the binary theme file so that the graphical component can use the theme properties of the binary theme file and a close handle module closing the theme handle and decrementing a reference count on the shared memory in response to process termination so that a theme handle can be closed when a binary theme file is loaded (Figure 7A).

Referring to claim 4, Chen discloses a notification module notifying the processes that a new theme file has been loaded (column 3, lines 37-41).

Referring to claim 5, Chen discloses a schema file-parsing module parsing a schema file containing a list of all themeable graphical components and properties (column 3, lines 30-35). Chen also discloses a theme specification file-parsing module parsing a theme specification file specifying graphical component sizes and colors (column 3, lines 30-35). Chen also discloses a building module building a binary theme file containing the graphical components, properties, sizes, and colors in a binary format (column 7, lines 30-40).

Referring to claim 6, Chen discloses that binary format is hierarchical, there being a data section for each hierarchy, the sections being a global section, a class section, a parts section, and a states section (column 8, lines 27-36).

Referring to claim 7, Chen discloses converting module further builds a packed data object section having all the theme properties for a class, part, and state (column 8, lines 37-38).

Referring to claims 17 and 30, Chen discloses a method of retrieving graphical component theme property data on a computer system having a graphical operating system and processes (column 1, lines 8-11). Chen discloses receiving a rendering request from a graphical component of one of the processes in the graphical operating system (Figure 9), the request having a theme handle and a component state accessing a binary theme file to retrieve theme property data for the requesting process (Figure 7A) and retrieving graphical component theme property data from the binary theme file

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(column 6, lines 60-65). Chen discloses that these properties are capable of being applied to one application in the graphical operating system, wherein Chen discloses that this theme properties are applicable to the web browser applications (column 1, lines 7-30), wherein Chen discloses the purpose of the invention wherein theme file properties are implement for applications that require various types of layout.

Referring to claims 18 and 31, Chen discloses retrieving an offset into a class data section of the binary theme file, the class data section having theme property data for a class in binary format (column 6, lines 40-45), performing a binary search for class property data at the offset determining if class property data exists at the offset and jumping to a global data section of the binary theme file having global theme property data, if no class property data is found and retrieving global theme property data from the global data section (column 7, lines 11-17).

Referring to claims 19 and 32, Chen discloses retrieving an offset into a part jump table section of the binary theme file, the part jump table section having theme property data for a part in binary format performing a binary search for part property data at the offset determining if part property data exists at the offset, jumping to a class data section of the binary theme file having theme property data for a class, if no part property data is found and retrieving class theme property data from the class data section (column 7, lines 11-17).

Referring to claims 20 and 33, Chen discloses retrieving a memory offset into a part jump table section of the binary theme file, retrieving from the part jump table section a second memory offset into a state jump table section and jumping to the

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second memory offset of the binary theme file having state theme property data and retrieving state theme property data from the state theme property data section (column 6, lines 38-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-15 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and U.S. Patent No. 6, 392, 671 B1 (Glaser).

Referring to claims 8 and 21, Chen discloses a method for creating a visual style for a set of graphical components for use on a computer system having a graphical operating system environment and processes with shared memory (column 1, lines 60-67). Chen discloses selecting graphical components from a schema file of graphical components, that are desired to have a defined visual style, each component being defined by a unique class name (column 4, lines 4-9). Chen also discloses assigning properties to the selected components according to the defined visual style so that each selected component has assigned properties (column 4, lines 9-10). Chen also discloses grouping the pairs of selected graphical components and corresponding assigned properties for the defined visual style together in a class data file, converting the class data file into a binary theme file having a class data section having class names and assigned properties in a binary format and loading the binary theme file into

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the shared memory so that a visual style can be used to render graphical components (column 4, lines 5-25). Chen discloses that the theme data is created for rendering theme graphical components for an application (column 1, lines 7-30), but does not disclose a plurality of applications in the graphical operating system environment. Glaser discloses a general theme teaching process, wherein Glaser teaches how components of a graphical operating system are rendered based on distinct theme data. Glaser further teaches that it is well known concept to rely on theme property files for rendering various applications and components of one operating system (column 1, lines 45-55). It would have been obvious for one skilled in the art, at the time of the invention to learn from Glaser to teach rendering graphical components based on theme data, wherein the components are of a plurality of applications in a graphical operating system environment. Both Chen and Glaser teach means for providing theme data to a computer system, for customizing the layout of the user interface. Glaser further teaches a theme process in addition to pointing out the well-known concept of providing theme data to render the components of a plurality of applications. Both Glaser and Chen teach the idea of providing and means for providing theme property data for rendering components, wherein Glaser has further pointed out that the rendering of components of a plurality of applications is a well-known concept. Chen has provided a theme means, wherein teaching how theme data is determined and rendering of these components of web applications, wherein it would have been obvious based on Glaser's well known teachings to learn that rendering of components of a plurality of applications. Hence, based on Glaser's well known teaching concerning these plurality of



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applications, it would have been obvious for one skilled in the art, at the time of the invention to learn from Glaser that the rendering of the components based on theme data is applicable to components of a plurality of applications in the graphical operating system.

Referring to claims 9 and 22, Chen discloses that the graphical components defined within the schema file of graphical components have one or more part names associated with at least one class name, and the converting act further comprises creating a part property data section in the binary theme file, the part property data section having the one or more part names and the assigned properties (column 4, lines 4-13).

Referring to claims 10 and 23, Chen discloses that the graphical components defined within the schema file of graphical components have one or more state names associated with at least one defined part name, and the converting act further comprises creating a state property data section in the binary theme file, the state property data section having the one or more state names and the assigned properties (column 4, lines 4-13).

Referring to claims 11 and 24, Chen discloses identifying some properties as global properties, creating in the binary theme file a global properties section having the global properties to be used when a class name, part name, or state name cannot be found in the binary theme file (column 4, lines 4-13).

Referring to claims 12 and 25, Chen discloses a list of available properties is within the first schema file of graphical components, that may be selected in the selecting step for each graphical component, part and state (column 4, lines 4-13).

Referring to claims 13 and 26, Chen discloses identifying a derived property for a graphical component and associating a unique numeric identifier with the derived property to create a derived property identifier (column 3, lines 32-34). Chen also discloses identifying one or more primitive properties for each derived property, wherein each primitive property has associated property data having a length, associating a unique numeric identifier with each primitive property, to create a primitive property identifier, calculating the lengths of each of the associated property data, selecting a derived property identifier, writing a binary tagged data module to a tagged data memory offset in the class data section of the binary file wherein the binary tagged data module contains the selected derived property identifier, the one or more, primitive property identifiers, the associated property values, and each of the property values' lengths and writing an associated parent part offset after each binary tagged data module, the associated parent part offset being a memory offset into the global class section (Figure 7A and column 6, lines 30-60).

Referring to claims 14 and 27, Chen discloses obtaining the memory offset of a binary tagged data module for a state and writing the memory offset to a second memory offset in a state jump table in the binary theme file (column 6, lines 35-50).

Referring to claims 15 and 28, Chen discloses writing the second memory offset to a third memory offset in a part jump table in the binary theme file (column 4, lines 38-47).

### ***Response to Arguments***

4. Applicant's arguments filed 6/2/05 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Chen does not disclose modifying an application. Chen teaches that the theme data is used to and is applicable to one application in the operating system, wherein in reference to claim 1, this application is the web application. Chen clearly teaches that the theme properties that are created are capable of being applied to the application, wherein the use of this theme data for rendering the web browser teaches that the theme property data is capable of being applied to the web application. Furthermore, in reference to claims 8 and 21, Glaser has been relied upon, to teach the obviousness in combination with Chen, wherein Glaser teaches a well-known concept of using theme property data/files to render theme components of various applications in an operating system.

With respect to Applicant's arguments that Chen does not disclose render request from a graphical component of an application. The claims disclose the rendering request from a graphical component but does not disclose any reference to the application, wherein these claims further do not disclose that the graphical components are in reference to controls like those of the web browser application and not the web page.

***Conclusion***

5. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery." The official notice dated June 20, 2005 also includes an "updated list of exceptions to the centralized delivery and facsimile transmission policy for patent related correspondence." Questions regarding this notice may be e-mailed to Patentpractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
October 20, 2005



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173